

REMARKS/ARGUMENTS

Claims 1-16 are pending.

Claims 1, 2, 6, 7 and 12 are amended to correct informalities. These amendments address the 35 U.S.C. § 112, second paragraph, objections to these claims.

Claims 11 and 16 are amended to correct double periods at the end of each claim.

The rejection of claims 1-16 as obvious over U.S. Patent No. 6,859,882 to Fung in view of U.S. Patent No. 5,842,027 to Oprescu et al. is respectfully traversed. “To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.” *In re Royka*, 490 F. 2d 981, 180 USPQ 580 (CCPA 1974); MPEP § 2143.03. In the present case, the prior art does not meet this standard.

According to the Office Action, Fung teaches in col. 24, lines 25-41, the step of “performing a power-initiated operating mode adjusting procedure to switch a highest-performance server module to a lower level of operating mode,” and Oprescu et al. teach in col. 8, lines 1-65, the step of “determining whether the current distribution of power load to the components is below a rated power level.” Even if the Office Action were correct, however, neither Fung nor Oprescu et al. teach that, if the current distribution of power load to the clustered server modules is below a rated power level, then “performing an operating mode inspecting procedure to inspect current operating modes of the server modules to find a highest-performance server module,” as called for in the claims. According to the claims, the blade server performance management method and system do not perform the power-initiated operating mode adjusting procedure until the highest-performance server module is inspected and found. Because neither Fung and Oprescu et al. describe or even mention performing an operating mode inspecting procedure to find a highest-performance server module if the current distribution of power load is below a rated power level, the references fail to teach or suggest all limitations of the claims. Accordingly, claims 1-16 are not obvious.

Moreover, contrary to the Office Action’s assertions, Fung does not even teach the step of “performing a power-initiated operating mode adjusting procedure to switch a highest-performance server module to a lower level of operating mode.” Rather, Fung teaches at col. 24, lines 25-41, that “the frequency control registers are loaded with values used to control the clock frequency at which to [sic] CPU core runs....A CPU temperature sensor 204 is also coupled to CPU 201 and is operative to modify the values stored in the frequency control registers in response to a sense to CPU temperature.” Indeed, the Office Action admits at page 4, item 6, that the “modification would increase the flexibility and reliability of Fung’s system by allowing the system adjusts the clock frequency of the server module not only when...” Because Fung fails to teach the step of performing a power-initiated operating mode adjusting procedure, and Oprescu et al. also fail to teach such a step, all limitations of the claims are not taught or suggested. Accordingly, claims 1-16 are not obvious.

In view of the foregoing amendments and remarks, Applicant submits that the present application is in condition for allowance. A Notice of Allowance is therefore respectfully requested.

The Commissioner is hereby authorized during prosecution of this application to charge any fees that may be required (except for patent issue fees required under 37 C.F.R. §1.18) or to credit any overpayment of fees to Deposit Account No. 50-0337. If an extension of time is required in connection with this paper, please consider this a Petition therefor and charge any fees required to Deposit Account No. 50-0337.

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Respectfully submitted,



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